

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERMEAL WHITE,	:	Case No. 1:19-cv-563
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
WARDEN R. ERDOS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 10, 12) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on September 10, 2019, submitted an Order and Report and Recommendation (the “First Report and Recommendation”). (Doc. 10). Plaintiff did not file any objections to the First Report and Recommendation.

Plaintiff subsequently filed a motion for temporary restraining order/preliminary injunction on March 3, 2020. (Doc. 11). The next day, the Magistrate Judge filed a second Report and Recommendation (the “Second Report and Recommendation”) (Doc. 12) with this Court addressing Plaintiff’s motion. On March 19, 2020, Plaintiff filed a response to the Second Report and Recommendation. (Doc. 13).

In the First Report and Recommendation, the Magistrate Judge recommended that Plaintiff's complaint be dismissed with prejudice. (Doc. 10 at 11). Plaintiff did not object to this recommendation and the Court agrees with the Magistrate Judge's analysis.

In the Second Report and Recommendation, the Magistrate Judge recommended denying Plaintiff's motion for preliminary injunction/temporary restraining order. (Doc. 12 at 3). Plaintiff's response to the Second Report and Recommendation does not identify any error made by the Magistrate Judge, but instead writes that his conditions in the prison have gotten worse. (Doc. 13 at 1–2). While the issues raised by Plaintiff in his response to the Second Report and Recommendation are troubling, the Court finds that the Magistrate Judge properly found that Plaintiff's motion for injunctive relief should be denied. Accordingly, the Court fully adopts the analysis and conclusions in the Second Report and Recommendation.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendations (Docs. 10, 12) should be and are hereby **ADOPTED** in their entirety.

Accordingly, for the reasons stated above:

- 1) Plaintiff's motion for preliminary injunction/temporary restraining order (Doc. 11) is **DENIED**.
- 2) The Amended Complaint (Doc. 9) is **DISMISSED with prejudice** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

- 3) The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*.
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 7/21/2020

s/ Timothy S. Black
Timothy S. Black
United States District Judge